

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk, U.S. District Court
Southern District of Texas
FILED

MAR 4 2015

United States of America)

v.)

Case No. C-15-241M

David J. Bradley, Clerk of Court

RIVERA, David &)
MORALES, Daena)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/3/2015 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 Section 841(a)(1)

Knowingly, intentionally, and unlawfully
possess with intent to distribute a
controlled substance in Schedule I of
the Controlled Substances Act of 1970,
to wit, approximately 35.48 kilograms
(aggregate gross weight) of marijuana.

This criminal complaint is based on these facts:

See Attachment "A"

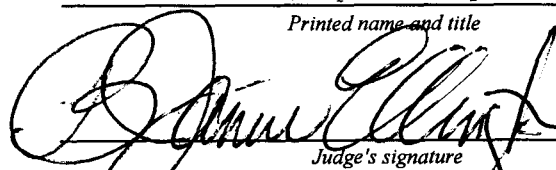
☒ Continued on the attached sheet.

Complainant's signature

Telita Huffman, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/4/2015City and state: Corpus Christi, Texas

Judge's signature

B. Janice Ellington, US Magistrate Judge

Printed name and title

ATTACHMENT "A"

Defendant: DAVID RIVERA

Defendant: DAENA ANNETTE MORALES

On March 3, 2015, Border Patrol Agent (BPA) Domingo Rico was assigned traffic check duties along with BPA Felix Recio and his Service Canine "Nico" at the United States Border Patrol Checkpoint thirteen miles south of Falfurrias, Texas. At approximately 8:30 AM a Black Honda Civic displaying Texas License Plates TX DJH-4136, approached the primary inspection lane for an Immigration Inspection of its passengers. BPA Rico asked the driver later identified as David Rivera, if he was a U.S. Citizen and he replied "yes". BPA Rico asked the passenger later identified as Daena MORALES if she was a United States Citizen, and she stated "yes". BPA Rico then asked where they were headed to and RIVERA replied "San Antonio". While BPA Rico was conducting his immigration inspection, Agent Recio was conducting a non-intrusive free air sniff of the exterior of the vehicle. Agent Recio then advised BPA Rico that BPA Recio's Service Canine "Nico" was alerting to the vehicle. BPA Rico continued questioning and asked RIVERA if he was the owner of the vehicle and he stated "yes". BPA Rico also asked RIVERA if everything in the vehicle belonged to him and RIVERA also stated "yes". BPA Rico then referred RIVERA to the secondary inspection area for further inspection of the vehicle.

Once in secondary, Agent Recio and his canine partner conducted a systematic search of the the vehicle. Agent Recio advised BPA Rico that his canine partner alerted and indicated to the rear of the vehicle near the trunk.

A search of the trunk revealed several bundles under the floor board area of the trunk, where the spare tire belongs. Several extra bundles were also hidden in the rear bumper of the car. Border Patrol Agents cut open the bundles which revealed a green leafy substance consistent with the properties of marijuana. A total of forty-five bundles of marijuana weighing 35.48 kilograms were discovered.

After the marijuana was discovered, RIVERA and MORALES were placed under arrest for possession of marijuana with the intent to distribute by Border Patrol Agents. BPA Rico read RIVERA and MORALES their Miranda Rights in their preferred language of English as witnessed by BPA Wilmer Torres. RIVERA stated he understood his rights and signed and initialed the Miranda Rights form indicating the same. RIVERA was not willing to answer any questions nor did he want to provide any statements regarding the marijuana found. RIVERA requested to speak with his lawyer. MORALES was willing to answer questions without an attorney present and gave a sworn statement.

MORALES told BPA Rico that she was approached by RIVERA on March 2, 2015 and offered \$500.00 to ride as a passenger to Houston, Texas to transport marijuana. BPA Rico asked MORALES if MORALES knew how much

marijuana was being transported and she stated 20 to 30 pounds. MORALES stated she was transporting marijuana because she had no school today, and she could really use the money.

AUSA Jeff Miller was notified of the seizure and authorized federal prosecution for RIVERA and MORALES. Both defendants were transported to the Coastal Bend Detention Center in Robstown, Texas for overnight detention pending further judicial proceedings.

The amount of marijuana seized implies possession with the intent to distribute.